IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.27203 of 2006

Dated: January 02, 2007

Between:

M.A. Nabi, S/o. Mohd. Saheb, aged 52 years,
Occ: Clerk, D.C.C.B., Sadasivapet Branch,
Medak District.

… Petitioner

And

The Commissioner for Cooperation/Registrar of
Cooperative Societies, Government of A.P.,
Hyderabad, and others.

… Respondents

Order:

This Writ Petition has been filed questioning the order dated 28-11-2006 passed by the third respondent in proceedings Rc.No.158/277/CS/SCN/CSCN/2006-07 and to quash the same.

2. Certain disciplinary proceedings were initiated against the petitioner, who is working as Clerk in the third respondent-bank and

charges were framed against him. After conducting enquiry, the impugned order has been passed reducing his scale of pay to the basic pay of Rs.5,835/- in the existing pay scale of pay, as per the provisions of Chapter XIII (Disciplinary proceedings) of the Memorandum of Settlement dated 15-06-1977.

3. The case of the petitioner is that the aforesaid punishment has been imposed on him without conducting enquiry as per the established procedure and without giving any opportunity to him. It is stated that though he filed an appeal on 04-12-2006 before the appellate authority, challenging the impugned order, the same has not been taken up consideration.

4. Heard learned counsel for the petitioner and learned Standing Counsel appearing on behalf of the respondents.

5. When the matter has come up on the last occasion on 29-12-2006, learned Standing Counsel for the respondents was directed to obtain instructions. Today, when the matter is taken up, learned Standing Counsel submits that the petitioner has preferred an appeal against the impugned order on 04-12-2006 and the Managing Committee is the competent authority to consider the said appeal. He further submits that the said appeal will be considered by the Managing Committee as expeditiously as possible.

6. As much as the appeal filed by the petitioner against the order of the third respondent dated 28-11-2006 is pending consideration before the appellate authority, merits of the case cannot be gone into by this court at this stage.

7. In the circumstances, I deem it appropriate to dispose of the Writ Petition directing the appellate authority, i.e. the Managing Committee,

to consider the appeal filed by the petitioner against the order of the third respondent dated 28-11-2006 and pass appropriate final order, by examining the grounds raised by the petitioner, including the ground that the procedure contemplated under law has not been followed while imposing the aforesaid punishment on him. I further direct that the impugned order dated 28-11-2006 passed in proceedings Rc.No. 156/277/CS/SCN/CSCN/2006-07 shall not be given effect to till appropriate final order is passed on the appeal filed by the petitioner.

8. The Writ Petition is disposed of with the above directions. No order as to costs.

_____

JUSTICE R. SUBHASH REDDY.

January 02, 2007
MRR